

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEWHITE JOHNSON,

Plaintiff,

v.

JEAN LUTSEY, CRYSTAL MERCHANT,
NATHAN TAPIO and SUE PETERS,

Defendants.

ORDER

Case No. 19-cv-952-jdp

On November 19, 2019, I assessed plaintiff Dewwhite Johnson an initial partial payment of \$1.72 due by December 11, 2019. Plaintiff did not submit the required initial partial payment and his case was closed on January 3, 2020. Now plaintiff has motion to compel, which I construe as a motion for an order requiring disbursement of \$1.72 from plaintiff's release account to make the initial partial payment of the filing fee. Plaintiff's general trust fund account lacks sufficient funds, and plaintiff seeks an order requiring disbursement of \$1.72 from plaintiff's release account. Plaintiff's motion will be granted.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that prison officials are directed to disburse \$1.72 from plaintiff's release account for payment of the initial partial filing fee. Plaintiff's initial partial filing fee is due by January 31, 2020. If plaintiff complies with this deadline, his case will be reopened and

screened on the merits pursuant to 28 U.S.C. § 1915(e)(2). Otherwise, this case will remain closed.

Entered this 9th day of January 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge